Supreme Court, U.S.
FILED

091166 MAR 3 - 2010

OFFICE OF THE CLERK

NO. _____

IN THE

Supreme Court of United States

Reza H. Ahmadi; Intelligent Office Products, Inc.,

Appellants

- *Petitioners,*

VS.

Static Control Components, Incorporated, Appellee

- *Respondent.*

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Reza H. Ahmadi

Owner, Founder and CEO

Intelligent Office Products, Inc.

7302 Wooded Valley Dr.

Houston, Texas 77095

713-515-6149

QUESTION PRESENTED

Whether the court of appeals had jurisdiction over petitioners' appeal, because the appeal was filed timely under the Fed. R. App. P. Rule 4(a) (1) (A), and whether the District Court decision process is different and in conflict with another District Court decision on the same question of law.

LIST OF PARTIES

Static Control Components, Incorporated, Appellee-counsel for Appellee Mr. William L. London, III, Sanford, North Carolina,

TABLE OF CONTENTS

Page

QUESTION PRESENTED I

LIST OF PARTIES II

TABLE OF APPENDICES III

TABLE OF AUTHORITIES IV

PETITION FOR A WRIT OF CERTIORARI 1

OPINIONS BELOW 1

JURISDICTION 1

STATEMENT OF THE CASE 1

REASONS FOR GRANTING THE PETITION 5

A. The appeal should not be dismissed for having jurisdiction 5

B. Notice of appeal is within the jurisdictional time limit and that it was timely filed 5

C. There is a direct conflict between the decision below and a recent decision by the District Court 9

CONCLUSION 12

CERTIFICATE OF SERVICE 1-c

CERTIFICATE OF COMPLIANCE 2-c

TABLE OF APPENDICES

Appendix A - Decision of United States court of appeals 1-a, 2-a, 3-a

Appendix B - Decision of the United States District Court 4-a, 5-a, 6-a, 7-a

CON'T APPENDICES Page

Appendix C - Findings and recommendations of the United State magistrate judge..... 8-a, 9-a

Appendix D - United States Postal Service proof of delivery record with recipient signature....10-a

Appendix E - Notice of Appeal RECIVED & FILED by District court's clerk office.....11-a, 12-a, 13-a

Appendix F – Fax confirmations.....14-a, 15-a, 16-a

Appendix G - US Postal Receipt; Track & Confirm ...17-a

TABLE OF AUTHORITIES

CASES

Browder v. Dir., Dep't of Corr., 434 U.S. 257, 264 (1978).....4

Main v. Thiboutot 100 S. Ct. 2502 (1980).....5

Latana v. Hopper, 102 F. 2d 188.....5

Chicago v. New York 37F Supp. 150.....5

Ruffin v. Kingswood E. Condo. Ass'n, 719 So. 2d 951, 952 (Fla. 4th DCA 1998).....5

Hyman v. City of Gastonia, 466 F.3d 284 (4th Cir. 2006).....7

Palmer v. City National Bank of West Virginia, 498 F.3d 236 (4th Cir. 2007).....7

Badger v. Rice, 124 Vt. 82, 84-85, 196 A.2d 503, 505 (1963).....8

Files v. City of Rockford, 440 F.2d 811, 814 (7th Cir. 1971).....8

CON'T CASES Page

Knee v. Smith, 313 So. 2d 117, 118
(Fla. 1st DCA 1975).....10

Pettigrew & Bailey v. Pickle, 429 So. 2d 340
(Fla. 3d DCA 1983).....10

Weintraub v. Alter, 482 So. 2d 454
(Fla. 3d DCA 1986).....11

STATUTES

28 U.S.C. §1254(1).....1

N.C. Gen. Stat. § 75-1.1 *et. Seq*.....2

28 U.S.C. §1746 .....2-c

RULES

Fed. R. App. P. 4(a) (1) (A)..... I, 4, 5, 9

Fed. R. App. P.25 (d) (1) (A) or (B).....6

Fed. R. App. P. 4(a).....6

Fed. R. Civ. P. rule 77(c).....6

Fla. R. Civ. P. 1.080(e).....9

Fla. R. Civ. P. 1.540(a).1.....10

Amendments to Rules of Civil Procedure,
458 So. 2d 245, 247 (Fla. 1984).....9

MISCELLANEOUS

Lund, 2004 VT 55, 3, 7, 15 Vt. L. Wk. 201,
857 A.2d 279 (mem.).....8

IN THE

Supreme Court of United States

PETITION FOR WRIT OF CERTIORARI

Petitioners respectfully pray that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States Court of appeals appears at Appendix A to the petition and is unpublished. The opinion of the United States District Court appears at Appendix B to the petition and is Unpublished. The findings and recommendation of the United States Magistrate Judge appears at Appendix C to the petition and is unpublished.

JURISDICTION

The judgment of the Court of appeals was entered on December 23, 2009. No petition for rehearing was timely filed in my case. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

STATEMENT OF THE CASE

Intelligent Office Products, Inc. (1) (hereinafter referred to as "IOP") is a manufacturing for toner cartridges since 1995, with 85 employees. For a number of years, IOP purchased products (RAW

(1) Intelligent Office Products, Inc. is a Texas corporation with a principal place of business in Houston, Texas, a manufacturer for compatible toner cartridges for LaserJet printers.

Materials) from Static Control Components, Inc. [2] (hereinafter referred to as "Static") for inclusion in its products (building toner cartridges) for sale.

Static knowingly and fraudulently sold defective toner to IOP and hundreds of others, (manufacturers), nationwide for a number of years, and they went into cover-up mode and denied all knowledge of these defects and complaints. As a direct result of Static's defective products sold to IOP, Ahmadi and IOP have been damaged in an amount of millions of dollars and have become financially crippled and devastated.

Static's actions were acts in or affecting commerce and constitute unfair and deceptive trade practices in violation of N.C. Gen. Stat. § 75-1.1 *et. seq.*

On February 8, 2008, counsel for IOP and Ahmadi, Michael Patrick ("Mr. Patrick"), filed a motion to withdraw, because Mr. Patrick suggested that "it was time to start setting up the depositions with several IOP customers, IOP employees, Static's customers, Static's former employees, and would be very costly". IOP was not in the position to continue supporting these funds, because of financial difficulties.

On March 13, 2008, Static filed a motion for summary judgment requesting that the Court find IOP and Ahmadi jointly and severally liable for claims of past due invoices.

[2] Static Control Components, Inc. is a North Carolina corporation with its principal place of business in Sanford, Lee County, North Carolina, a supplier of RAW Material for toner cartridges supplies.

On April 14, 2008, the Court provisionally granted Mr. Patrick's motion to withdraw.
Ahmadi responded to Motion for summary by filing "Answer of IOP, and Ahmadi" with the Court, showing that IOP and Ahmadi rejects Static's claim.
On April 17, 2008, the Court order striking "Answer of IOP and Ahmadi". Court Order allowing Motion to Seal Documents.

On May 12, 2008, Motion by Static to file Supplemental Memorandum, and Memorandum on same.

On July 18, 2008, Ahmadi filed objections to the memorandum opinion and recommendation of Magistrate Judge Russell A. Eliason's Pursuant to a hearing conducted without Ahmadi's presence on May 30, 2008 in Winston-Salem, North Carolina.

On August 4, 2008, Court orders to strike the objection. "Reason improper filling". Please see "Appendix C".

Meanwhile IOP was forced to go out of business.

On December 4, 2008, Court orders Order and Judgment that Default Judgment against IOP and Ahmadi is hereby entered holding both jointly and severely liable to Static's claim. See "Appendix B"

On January 05, 2009, Ahmadi filed a notice of appeal "timely" with the District Court for the Middle District of North Carolina, at Greensboro.

The case was transferred to United States Court of Appeals for the Fourth Circuit.

On April 6, 2009, Ahmadi filed Informal Brief of appellants for Ahmadi and IOP with the Clerk of the Court of Appeals.

On April 23, 2009, counsel for appellee, William L. London ("Mr. London") filed Informal Brief of appellee with the Clerk of the Court of Appeals. appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas David Schroeder, District Judge.

The appellee challenges the Court of Appeals for Court lack of jurisdiction over appellants' appeal, that appellants' notice of appeal was not timely filed.

Accordingly the Court of appeals arguing that Rule 4(a) (1)(A) Fed.R.App.P. requires that a notice of appeal be filed within thirty days after entry of judgment and that this rule is "mandatory and jurisdictional." citing *Browder v. Director, Illinois Department of Corrections*, 434 U.S. 257, 264 (1978).

In reaching its conclusion the Court explained that:

> The District Court's order was entered on the docket on December 4, 2008. The notice of appeal was filed on January 6, 2009—31 days after the entry of the default judgment. Because appellants failed to file a timely notice of appeal, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process.

Judgment entered on Dec. 23 2009. "In accordance with the decision of this Court, this appeal is dismissed". Please See "Appendix A".

A petition for writ of certiorari is timely if filed on or before March 23, 2010. In the United States Supreme Court within 90 days of this court's entry of judgment.

The law provides that once State and Federal jurisdiction has been challenged, it must be proven. "*Main v. Thiboutot* 100 S. Ct. 2502 (1980)", Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted."*Latana v. Hopper*, 102 F. 2d 188; *Chicago v. New York* 37F Supp. 150

REASONS FOR GRANTING THE PETITION

The appellants "petitioners" seek petition of all three issues presented, for reasons set forth below.

A. The appeal should not be dismissed for having jurisdiction

The appeal should not be dismissed in Court of appeals because, from the face of the notice, the appeal appeared untimely. *See Ruffin v. Kingswood E. Condo. Ass'n*, 719 So. 2d 951, 952 (Fla. 4th DCA 1998).Specifically, the District Court of North Carolina Clerk's time stamp on the notice of appeal shows a date of January 6, 2009, which is one day past the thirty-day time limit. This appeal period is "jurisdictional." See Fed. R. App. P. 4(a) (1) (A).

B. Notice of appeal is within the jurisdictional time limit and that it was timely filed

The notice of appeal was filed timely with the District Court. This petition is accompanied by an affidavit from petitioners listing the related items, to include a statement from the United States Postal Service that delivered the notice and check to the Courthouse for filling with the Clerk of the District Court.

The United States Postal Service's statement reads: "For delivery information on your Certified Mail™ item number 7008 1140 0003 6769 6903. The delivery record shows that this item was delivered on 01/05/2009 at 01:52 PM in Greensboro, NC 27401." Please see Appendix "D". This also shows the scanned image of the recipient information with name, signature and address.

A paper presented for filing must contain either an acknowledgment of service by the person served or proof of service consisting of a statement by the person who made service certifying the date and manner of service, the name of the person served, and the address of the place of delivery, as appropriate for the manner of service. Fed. R. App. P.25 (d) (1) (A) or (B).

The Clerk's time stamp on the notice, however, shows that the notice was received and filed on January 6, 2009. The last possible date for timely filing was (3)January 5, 2009, one day earlier. Please see

(3) "The Clerk's office with the Clerk or a deputy in attendance shall be open during business hours on all days except Saturday, Sundays and legal holidays* * *" Fed. R. Civ. P. rule 77(c).

Appendix "E". Fed. R. App. P. 4(a) allows an appeal to be docketed as filed on the date it is received by the Court.

Appellants reject Clerk's action that it is contrary to Rule 4, because it would not serve the rule's purposes, it would produce anomalous results, and it would put the District Court in the untenable position of ascertaining the intent of parties who file notices of appeal.

Mr. London argues in appellee's Brief that, "The Court has an obligation to inquire into jurisdiction issues *sua bsponte".* Citing "*Hyman v. City of Gastonia,* 466 F.3d 284 (4th Cir. 2006)", and continues with his argument, "The Court has an obligation to verity the existence of appellate jurisdiction before considering the merits. *Palmer v City National Bank of West Virginia,* 498 F.3d 236 (4th Cir. 2007)".
Mr. London relies on the Clerk of the District Court's record for his arguments, which shows it was received and filed on the 6th day of January 2009. Holding that the appeal was untimely.

The record however reveals that the notice of appeal was received in the Clerk's office of this District Court on January 05, 2009.

The petitioners' affidavit is also containing another line item to include two faxed confirmations. They were sent to both offices of the District's Clerk and Mr. London on Friday, January 2, 2009. To inform them upon the delivery of the notice that was mailed

via United States Postal Service to the attention of District Court's Clerk. Please see "Appendix F".

A copy of the Certified Mail Receipt by United States Postal Service, first-class, postage prepaid, and bears a postmark is also enclosed. Please see "Appendix G".

With no citation to authority, Ahmadi argues that we should take jurisdiction of this appeal because "[t]here is no reason that the Notice of Appeal on behalf of [Ahmadi and IOP] would not have been filed on January 5, 2009, the same day it was delivered to the Clerk of the District Court by the courier service.

What Ahmadi meant to say that the Clerk's time stamp creates a rebuttable presumption that may be overcome by appellants' proof of delivery record.

According to the law, a notice of appeal serves two functions-it informs "the parties and the tribunals concerned that the proceedings are not concluded so they may respond accordingly," and it invokes "appellate jurisdiction by accomplishing the transfer of the cause to the reviewing authority while the question sought to be reviewed remains open to appeal." *Badger v. Rice*, 124 Vt. 82, 84-85, 196 A.2d 503, 505 (1963). We require strict adherence to deadlines for filing notices of appeal primarily to serve the goal of finality. In re Lund, 2004 VT 55, 3, 7, 15 Vt. L. Wk. 201, 857 A.2d 279 (mem.); see also *Files v. City of Rockford*, 440 F.2d 811, 814 (7th Cir. 1971) (discussing development of federal rules regarding time for filing appeal, and stating that "[t]he basic

rationale for insistence upon timely filing is the necessity for providing a precisely ascertainable point of time at which litigation comes to an end"). The purposes served by a notice of appeal were accomplished by the Ahmadi's filing with District Court, and the filing occurred within the thirty days of the date of the District Court's order/judgment under the Fed. R. App. P. 4(a) (1) (A). And that this court has jurisdiction to review the judgment on a writ of certiorari.

C. There is a direct conflict between the decision below and a recent decision by the District Court

Although not cited by either party, Florida Rule of Civil Procedure 1.080(e) states in pertinent part that "[t]he date of filing is that shown on the face of the paper by . . . the Clerk's time stamp." This language was added to the rule in 1984. *See In re Amendments to Rules of Civil Procedure*, 458 So. 2d 245, 247 (Fla. 1984). At first glance, we take the plain and unambiguous language in the rule to mean that the date upon which the jurisdictional time clock begins to tick is that date reflected in the Clerk's time stamp. However, our understanding of the meaning of the rule does not resolve whether the Florida Supreme Court intended to establish a bright line rule to resolve the uncertainty surrounding the accuracy of the Clerk's time stamp. Prior to the rule's amendment, it appears that at least two Courts permitted a party to rebut the presumption that the

Clerk's time stamp reflects the actual date a paper was filed with the Clerk of the trial Court. In *Knee v. Smith*, 313 So. 2d 117, 118 (Fla. 1st DCA 1975), the First District Court of Appeal accepted jurisdiction of an appeal of an order granting summary judgment despite the fact that the notice of appeal bore a Clerk's time stamp date that made the filing of the notice one day in excess of the jurisdictional thirty-day period. In accepting jurisdiction, the Court noted that, "it appears from the affidavit submitted to this Court that the Clerk's office actually received the notice of appeal within the 30 day jurisdictional period." *Id.* at 118. Curiously, the Court accepted jurisdiction based solely on the affidavit. *Knee* was followed by two cases from the Third District Court of Appeal, in which the Court accepted jurisdiction of an appeal despite the Clerk's time stamp bearing a date that would result in the appeal being untimely. In *Pettigrew & Bailey v. Pickle,* 429 So. 2d 340 (Fla. 3d DCA 1983), the Court determined that it had jurisdiction of an appeal after holding that the trial Court did not err in amending the filing date of the notice of appeal. *Id.* at 343. There, the trial Court took evidence concerning the accuracy of the Clerk's time stamp. Relying upon the trial Court's determination pursuant to its authority to correct clerical mistakes in parts of the record, the Court concluded that the notice of appeal was timely. *Id.*; *see also* Fla. R. Civ. P. 1.540(a).1 in reaching its conclusion the Court explained that:

> We have not overlooked the contention that the trial Court erred in amending the filing date of the notice of appeal and that the appeal was therefore untimely. Upon due consideration, we find no merit in appellees' argument. Before correcting the notice to reflect the actual filing date, the trial Court weighed the evidence concerning the accuracy of the Court Clerk's date stamp and considered affidavits averring that the notice and check were delivered within the applicable filing period. A clerical mistake may be corrected by the Court.

Pickle, 429 So. 2d. at 343 (citations omitted).

Following its holding in *Pickle*, and after rule 1.080(c) was amended, the Third District in *Weintraub v. Alter*, 482 So. 2d 454 (Fla. 3d DCA 1986), held that:

> A notice of appeal is deemed filed on the date it is actually filed with the Clerk of the trial Court. This date is *presumptively* shown by the filing date which the Clerk of the trial Court stamps on the face of the notice–although this is not a conclusive showing and may be rebutted by other evidence

Id. at 457 (emphasis added).

This would be a good time for Federal Rules to articulate such a rebuttable presumption with regards to clerk's date stamp on the face of the notice.

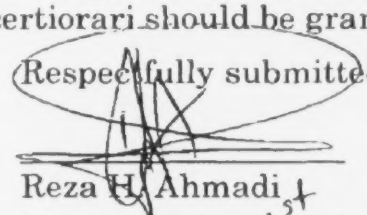
The clear and concise language of the 1984 amendment to rule 1.080(e) compels us to conclude that the Florida Supreme Court intended to establish a bright line test. To be sure, interpreting rule 1.080(e) in a bright line fashion obviates the need to engage in any fact finding beyond the information stamped on the notice of appeal. Finite rules make sense. They are easy to follow, easier to apply, and remove doubt. Clerks always have the option of paying closer attention to such details before the jurisdictional time limit expires.

Accordingly, we hold that, pursuant to rule 1.080(e), the Clerk's date stamp is dispositive on the issue of the date of filing a paper with the trial Court. In this case, the District Court Clerk's date stamp establishes that the notice of appeal was filed after the expiration of the jurisdictional time limit to file an appeal. Appellee subsequently seek to challenge the Court of Appeals for Court lack of jurisdiction over appellants' appeal. Therefore, the judgment to dismiss is denied and this appeal is granted. In so doing, we certify conflict with the Third District's opinion in *Weintraub*.

CONCLUSION

The petitioners respectfully request that the petition for a writ of certiorari should be granted.

Respectfully submitted,



Reza H. Ahmadi

Dated this the 1st day of March, 2010

AFFIDAVIT OF

Reza H. Ahmadi

The undersigned, having been duly sworn, to law, upon oath deposes and says:

1. I am over the age of eighteen (18) and that I am competent to give this Affidavit.
2. I am a U.S. Citizen, with Master of Science degree in Electrical Engineering.
3. I am the co-founder, owner and chief executive officer for Intelligent Office Products.
4. I have mailed the notice of appeal with check to the United States District Court clerk's office through U. S. Postal Service, first-class, certified mail, postage prepaid, and bear a postmark. See "Appendix G".
5. I have faxed the confirmation about the certified mail to each office of the District Clerk, and Mr. London on Friday, January 2, 2009. See "Appendix F".
6. I have contacted the U. S. Postal Service, requested and obtained a statement on the proof of delivery information. See "Appendix D".

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Affidavit is true and correct.

Dated this the 1st day of March, 2010

Reza H. Ahmadi

APPENDIX A – DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.
DECIDED DECEMBER 23, 2009

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NO. 09-1082

STATIC CONTROL COMPONENTS, INCORPORATED, Plaintiff - Appellee,

v.

REZA H. AHMADI; INTELLIGENT OFFICE PRODUCTS, INCORPORATED, Defendants – Appellants.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas David Schroeder, District Judge. (1:07-cv-00281-TDS-RAE)

Submitted, December 17, 2009
Decided: December 23, 2009

Before WILKINSON, NIEMEYER, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.
Appendix A

Reza H. Ahmadi, Appellant Pro Se. William L. London, III, Sanford, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reza H. Ahmadi and his corporation Intelligent Office Products, Inc. seek to appeal the district court's final order entering a default Judgment against them. We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a) (1) (A), unless the district court extends the appeal period under Fed. R. App. P. 4(a) (5), or reopens the appeal period under Fed. R. App. P. 4(a) (6). This appeal period is "mandatory and jurisdictional." Browder v. Dir., Dept. of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229' (1960)).

The district court's order was entered on the docket on December 4, 2008. The notice of appeal was filed on January 6, 2009. Because Appellants failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before the court and argument would not aid the decisional process.

DISSMISSED

FILED: December 23, 2009

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1082
(1:07-cv-00281-TDS-RAE)

STATIC CONTROL COMPONENTS, INCORPORATED, Plaintiff - Appellee

v.

REZA H. AHMADI; INTELLIGENT OFFICE PRODUCTS, INCORPORATED, Defendants-Appellants

---

JUDGEMENT

In accordance with the decision of this Court, this appeal is dismissed.

This judgment shall take effect upon issuance of this Court's mandate in Accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

Appendix A

APPENDIX B – DECISION OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA. DECIDED DECEMBER 4, 2008

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STATIC CONTROL COMPONETS, INC.,)
Plaintiff,)
)
v.)
) 1:07CV00281
INTELLIGENT OFFICE PRODUCTS, INC.)
and REZA H. AHMADI, a/k/a)
"RAY AHMADI")
Defendants.)

ORDER

On July 1, 2008, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. §636. Objections were filed by Defendant Reza H. Ahmadi on behalf of both the corporate and individual Defendant (Docs. 51, 52 and 53) but have been stricken from the record for having been improperly filed for the reasons set forth by the Magistrate Judge (Doc. 54). No other objections were filed timely. Therefore, the court need not make a de novo review,

and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Summary Judgment (Doc. 32) is GRANTED, and also a default judgment based on the entry of default is entered against Defendants Intelligent Office Products, Inc. and Reza H. Ahmadi, a/k./a "Ray Ahmadi", and that judgment against said Defendants is hereby entered holding them jointly and severally liable to Plaintiff Static Control Components, Inc. in the amount of $486,106.66, plus prejudgment interest in the amount of 1 ½ % per month, compounded monthly, calculated on the amount of $485,956.66 from march 6, 2007 to December 4, 2008, the date of judgment, such interest being $177, 756.12, with the total amount of the judgment being $663,862.78, plus post-judgment interest on the total amount of the judgment at the legal rate of .93 percent per annum, computed daily and compounded annually from the entry of judgment until paid, together with the costs of this action.

2. Plaintiff's Motion for Summary Judgment seeking dismissal of Defendant IOP's counterclaims against Plaintiff (Doc. 32) is GRANTED, and also finding dismissal of the counterclaim appropriate under Fed. R. Civ. P. 41 (c), the Counterclaim is hereby DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Defendant

Intelligent Office Products, Inc. and Defendant Reza H. Ahmadi are hereby ordered to return all documents or materials belonging to Static Control Components, Inc., to it within sixty days.

/s/ Thomas D. Schroeder
United States District Judge

December 4, 2008

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STATIC CONTROL COMPONETS, INC.,)
Plaintiff,)
)
v.)
) 1:07CV00281
INTELLIGENT OFFICE PRODUCTS, INC.)
and REZA H. AHMADI, a/k/a)
"RAY AHMADI")
Defendants.)

JUDGMENT

For the reasons set out in an Order entered contemporaneously with this Judgment,

IT IS ORDERED AND ADJUDGED that Default Judgment against Defendants Intelligent Office Products, Inc. and Reza H. Ahmadi, a/k/a "Ray Ahmadi," is hereby entered holding them jointly and severally liable to Plaintiff Static Control

Appendix B

Components, Inc., in the amount of $485,106.66, plus prejudgment interest in the amount of 1 ½% per month, compounded monthly calculated on the amount of $485,956.66 from March 6, 2007 to December 4, 2008, the date of judgment, such interest being $177,.756.12, with the total amount of the judgment being $663,862.78, plus post-judgment interest on the total amount of the judgment at the legal rate of .93 percent per annum, computed daily and compounded annually from the entry of judgment until paid, together with the costs of this action.

/s/ Thomas D. Schroeder
United States District Judge

December 4, 2008

Appendix B

APPENDIX C – FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE, DECIDED AUGUST 4, 2008

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

STATIC CONTROL COMPONETS, INC.,)

Plaintiff,)
)
v.)
) 1:07CV00281
INTELLIGENT OFFICE PRODUCTS, INC.)
and REZA H. AHMADI, a/k/a)
"RAY AHMADI")
Defendants.)

ORDER

This matter comes before the Court sua sponte. Defendant Reza H. Ahmadi has Filed objections to the Magistrate Judge's July 7, 2008 Recommendation, exhibits, and a motion seal the exhibits. (Docket Nos. 51, 52 and 53.) These documents are deficient for a number of reasons. First, the documents lack any certificate of service. Second, and more importantly, these documents are filed in contravention of this Court's April 14, 2008 order. There, Defendant Intelligent Office Products, Inc. was ordered to obtain

counsel to represent him or to enter his own pro se appearance, and was told that the Court would not recognize any paperwritings submitted by him unless he had complied with that order. To date, neither Defendant has complied with the April 14, 2008 order.

In addition, Defendant Ahmadi continues to act in violation of that order by attempting to submit documents on behalf of Intelligent Office Products, Inc., when he is not allowed to do so as was explained in the April 14, 2008 order. Therefore, these documents are improper if submitted on behalf of the corporation, and also improper if submitted on behalf of Defendant Ahmadi for the reasons stated above. For all these reasons,

IT IS ORDERED that Docket Nos. 51, 52, 53 are hereby stricken.

Russell A. Eliason
United States Magistrate Judge

August 4, 2008

Appendix C

APPENDIX D – PROOF OF DELIVERY RECORD FROM UNITED STATES POSTAL SERVICE

Date: 12/28/2009

Fax Transmission To: RAY AHMADI
Fax Number: 281-345-9642

Dear RAY AHMADI:

The following is in response to your 12/28/2009 request for delivery information on your Certified Mail™ item number 7008 1140 0003 6769 6903. The delivery record shows that this item was delivered on 01/05/2009 at 01:52 PM in GREENSBORO, NC 27401. The scanned image of the recipient information is provided below.

Signature:	**Donna Lloyd**
Address of Recipient:	**324 W. Market #401**

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely

United States Postal Service

APPENDIX E – NOTICE OF APPEAL

Wednesday, December 31, 2008

FILED

Middle District of North Carolina
Atten: Office of Clark
324 West Market Street, Suite 401
Greensboro, NC 27401

JAN – 6 2009
IN THIS OFFICE
Clerk U.S. District Court
Greensboro, N.C
By .....

Regarding: Letter of Appeal (Case # 1:07CV00281)

I am the business owner for Intelligent Office Products (IOP), a small business, certified HUB with State of Texas. I am writing to you to appeal the judgment entered against my company "IOP", and myself "Ahmadi" for improper filling of the objections. My company was put out of business by Static Control's, (Plaintiff), *illegal activity of selling defective products to IOP*, and continuing deceptive behavior and denial. IOP lost the majority of it's customers as a result, and became financially devastated. I could not continue paying my attorney who was handling this case, and could not appear in court for a hearing without legal advisor.

Intelligent Office Products is a remanufacturing for toner cartridges since 1995, certified by the Int'l Imaging Technology Council. For a number of years, Intelligent Office Products purchased products (RAW Materials) from Static Control for inclusion in its

Appendix E

products (rebuilding toner cartridges) for sale.

Starting in late 2004 continuing into 2006, IOP continued to purchase substantial amounts of product from Static Control and experienced greatly increased complaints from its customers about the quality of the products being supplied. The toner that IOP had been getting for years from Static was changed without notice to IOP and was of a different kind than previously, thereafter, IOP began receiving customer complaints and experiencing high return of its products due to problems caused by the toner being supplied by Static, majority of IOP's accounts were lost due to these quality problems caused by Static's products.Beginning in early 2005 Intelligent Office Products IOP questioned Static Control representatives about these issues and concerns. *Static told IOP that they had never seen these issues before and that IOP was the only company that was experiencing these problems.* Static told the same story to other customers.

Early in these discussions, Static's management sent sales representatives and technicians to see how IOP built cartridges. Static made a few suggestions of changes to improve the process which IOP promptly made but the problems continued. Static subsequently requested that IOP send cartridges to Static for testing and diagnostics and IOP promptly did so. Static never provided IOP with the results from this

investigation. Static told IOP that Static could duplicate the problem but did not know how to solve these problems. When IOP asked Static for an update, Static told IOP the technicians had left the company and did not finish the testing. Static also told IOP that the cartridges could not be found to continue the testing. After an extended period of attempting to work out these problems with Static, IOP purchased toner from another vendor and the problems ended. As a result of the problems above and the products being received from Static Control, Intelligent Office Products IOP lost sales in excess of $4 million as well as it's major accounts starting in the year 2005. In addition, Intelligent Office Products was required to refund to its customers in excess of $390,000 in connection with sales that it made containing defective product provided by Static.

Respectfully Yours,

RECEIVED
In This Office
JAN – 6 2009
CLERK U.S. DISTRICT COURT
GREENSBORO, N.C.

Reza Ahmadi

Reza Ahmadi
CEO
Intelligent Office Products

7302 Wooded Valley Dr. Houston, Texas 77095 Tel: (281) 249-1100 Fax: (281) 249-1110 www.intelligentofficeproducts.com

Appendix E

APPENDIX F – FAX CONFIRMATIONS

TRANSMISION VERIFICATION REPORT

TIME:	01/02/2009 10:10 AM
NAME:	COPPERFIELD FEDEX 21
FAX:	281-463-6073
TEL:	281-463-8433
SER.#:	00K7N252375

DATE TIME	01/02/09 10:10
FAX NO.	13363326060
DURATION	00:00:38
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

INTELLIGENT OFFICE PRODUCTS, IC.

P.O.BO 79371

HOUSTON TEXAS, 77279 - 9371

FACSIMILE TRANSMITAL SHEET

TO:	**FROM:**
Mr. John S. Brubaker, Clerk of Court	Reza Ahmadi
COMPANY:	**DATE:**
United States District Court Middle District of North Carolina	1/2/2009
FAX NUMBER:	**TOTAL PAGES**
336-332-6060	2
PHONE NUMBER:	**SENDER FAX**
336-332-6000	

RE:
Appeal

□URGENT □FOR REVIEW □PLEASE COMENT
□PLEASE REPLY □PLEASE RECYCLE

NOTES.COMMENTS

Please see the letter of appeal attached, the original letter has been sent out through Certified U.S. Postal Service.

Respectfully yours,

Reza H. Ahmadi
281-249-1100

_-_-_-

INTELLIGENT OFFICE PRODUCTS, IC.

P.O.BO 79371

HOUSTON TEXAS, 77279 - 9371

FACSIMILE TRANSMITAL SHEET

TO:	**FROM:**
Mr. William L. London	Reza Ahmadi
COMPANY:	**DATE:**
Static Control Components	1/2/2009
FAX NUMBER:	**TOTAL PAGES**
919-776-2333	2
PHONE NUMBER:	**SENDER FAX**
919-774-3808	
RE:	
Appeal	

□URGENT □FOR REVIEW □PLEASE COMENT
□PLEASE REPLY □PLEASE RECYCLE

NOTES.COMMENTS

Please see the letter of appeal attached, the original letter has been sent out through Certified U.S. Postal Service.

Respectfully yours,

Reza H. Ahmadi
281-249-1100

Appendix F

APPENDIX G – CERTIFIED MAIL RECEIPT, WITH TRACK & CONFIRMATION

UNITED STATES POSTAL SERVICE®

Track & Confirm

Search Results

Label/Receipt Number: **7008 1140 0003 6769 6903**
Status: **Delivered**
your item was delivered at 1:52 pm on January 05, 2009 in GREENSBORO, NC 27401. A proof of delivery record may be available through your local Post Office for a fee.
Additional information for this item is stored in files offline.

U.S. Postal Service ™	
CERTIFIED MAIL™ RECEIPT	
Domestic Mail Only; First Class	
Greensboro NC 27401,	
Postage	*$0.42*
Certified fee	*$2.70*
Return Receipt fee	*$2.20*
Total Postage & fee	*$5.32*
7008 1140 0003 6769 6903	
Sent To: *US District Ct.*	**DEC 31 2009**
Street: *324 W. Market Street Ste 401*	
City, State, Zip: *Greensboro, NC 27401*	
PS Form 3800 August 2006	

Appendix G